

REMARKS

Claims 80-82, 85, 87-90 and 95 stand rejected on the ground of non-statutory obviousness type double-patenting over claim 42 of USP No. RE40,498. Solely to expedite prosecution, a terminal disclaimer is submitted herewith, without prejudice, to obviate this rejection.

Claims 80-82, 85, 87-90 and 95 stand provisionally rejected on the ground of non-statutory obviousness type double-patenting over claim 42 of copending US Application Serial No. 11/607,889. This rejection is respectfully traversed for the following reasons.

US Application Serial No. 11/607,889 does not have a claim 42 pending. Moreover, as this rejection is provisional, no other viable rejections remain, and the present application has an earlier filing date than US Application Serial No. 11/607,889, pursuant to MPEP § 804(I)(B)(1), this rejection should be withdrawn.

Having fully responded to all matters raised in the Office Action, Applicant submits that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicant's attorney at the telephone number shown below. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,
McDERMOTT WILL & EMERY LLP



Ramyar M. Farid
Registration No. 46,692

**Please recognize our Customer No. 53080 as
our correspondence address.**

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 RMF:llg:MaM
Facsimile: 202.756.8087
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